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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER
THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-15 and 17-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-15,17-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to the following communications: Amendment on 12/07/2006.

This action is made Final.

2.   Claims 1-23 are pending in the case. Claims 1 and 21 are the independent claims.

Claim Rejections - 35 USC § 102

3.   **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

a.   A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claims 1-6, 8-11, 13-15, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Louis et al (hereinafter Louis) U.S. Patent No. 6,088,023 issued July 11, 2000 and filed Dec. 10, 1996.**

In regard to **Independent claim 1,** Louis teaches a *method for pointing at information in a multi-dimensional space, comprising the steps of:*

- *Setting a portion of a full screen as a pointing screen;* (Louis Figures 1-9 and column 5, lines 1-20) Louis expressly teaches the user may define a graphics window that is displayed on the display space where the user has the ability to adjust the size of the graphics window

- *Determining whether desired information to be pointed at is included in the set pointing screen;* (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8, lines 1-12) Louis teaches the ability for the graphics window to be moved about the display when the user determines that the desired information is not included in the graphics window.

- *When it is determined that the desired information is not included in the pointing screen, moving the pointing screen using the pointer so that the desired information is included in the pointing screen; and (d) Pointing at the desired information included in the pointing screen when it is determined that the desired information is included in the pointing screen or after step (c), wherein at least one of steps (a), (c), and (d) is performed by a user's s motion in at least one direction selected from up, down, forward, backward, to the left, and to the right and wherein said pointer comprises a sensor which determines the users motion* (Louis Figures 1-9 and column 7, line's 19-35, 49-67 and column 8, lines 1-12) Louis shows a plurality to items on the display (now and they) where the graphics window is moved to encompass the words (compare Fig 4a to 4b) when the window is moved to the right. Louis teaches the windows can be moved in a free form manner that would include up/down, left/right. Further, Louis teaches a pointer that contains a sensor that is moved to move a window (See Figures 9a and 9b and column 9, lines 20-31). The sensor within the mouse detects the users motion.

With respect to **dependant claim 2,** Louis teaches *the full screen includes a plurality of pieces of information.* (Louis Figure 4a and 4b) Louis shows a plurality of pieces of information that are manipulated by the user within the graphics window.

With respect to **dependant claim 3**, Louis teaches the following sub-steps:

- *Determining whether the desired information is located on the left or right of the pointing screen, when it is determined that the desired information is not included in the pointing screen;* (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8, lines 1-12) Louis teaches the graphics window can be moved off of the display to point to information in another display space.

- *Moving the pointing screen to the left so that the desired information is included in the pointing screen, when it is determined that the desired information is located on the left of the pointing screen, and proceeding to step (d); and (c13) moving the*

pointing screen to the right so that the desired information is included in the pointing

screen, when it is determined that the desired information is located on the right of

the pointing screen, and proceeding to step (d) (Louis Figures 1-9 and column 7,

lines 19-35, 49-67 and column 8, lines 1-12) Louis teaches the windows can be

moved in a free form manner that would include left/right.

With respect to **dependant claim 4**, Louis teaches the following:

- *Determining whether the desired information is located above or below the pointing*

  screen, when it is determined that the desired information is not included in the

  *pointing screen; (*Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8,

  lines 1-12*)* Louis teaches the user determines that the desired information to be

  pointed at can be located off of the display space and the graphics window can

  moved off the space to the desired information (see Figure 5c-5d and column 8, lines

  27-43).

- *Moving the pointing screen up so that the desired information is included in the*

  pointing screen, when it is determined that the desired information is located above

  the pointing screen, and proceeding to step (d); and moving the pointing screen

  down so that the desired information is included in the pointing screen, when it is

  determined that the desired information is located below the pointing screen, and

  proceeding to step (d) (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and

  column 8, lines 1-12) Louis teaches the windows can be moved in a free form

  manner that would include up/down, left/right.

With respect to **dependant claim 5**, Louis teaches the following:

- *Determining whether the desired information is located on the left or right of the pointing screen, when it is determined that the desired information is not included in the pointing screen; (c32) moving the pointing screen to the left so that the pointing screen is located at a same horizontal position as the desired information, when it is determined that the desired information is located on the left of the pointing screen; (c33) Moving the pointing screen to the right so that the pointing screen is located at a same horizontal position as the desired information, when it is determined that the desired information is located on the right of the pointing screen; determining whether the desired information is included in the pointing screen moved in step (c32) or (c33) and proceeding to step (d) when it is determined that the desired information is included in the moved pointing screen;* (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8, lines 1-12) Louis teaches the windows can be moved in a free form manner that would include left/right (See also column 8, lines 25-43).

- *Determining whether the desired information is located above or below the moved pointing screen, when it is determined that the desired information is not included in the moved pointing screen; moving the pointing screen up so that the desired information is included in the pointing screen, when it is determined that the desired information is located above the moved pointing screen, and proceeding to step (d); and moving the pointing screen down so that the desired information is included in the pointing screen, when it is determined that the desired information is located below the moved pointing screen, and proceeding to step (d)* (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8, lines 1-12) Louis teaches the windows can be moved in a free form manner that would include up/down (See also column 8, lines 25-43).

With respect to **dependant claim 6**, *Louis teaches the following sub-steps:*

- *Determining whether the desired information is located above or below the pointing screen, when it is determined that the desired information is not included in the pointing screen; moving the pointing screen up so that the pointing screen is located at a same vertical position as the desired information, when it is determined that the desired information is located above the pointing screen; moving the pointing screen down so that the pointing screen is located at a same vertical position as the desired information, when it is determined that the desired information is located below the pointing screen; determining whether the desired information is included in the pointing screen moved in step (c42) or (c43) and proceeding to step (d) when it is determined that the desired information is included in the moved pointing screen;* (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8, lines 1-12) Louis teaches the windows can be moved in a free form manner that would include up/down (See also column 8, lines 25-43). Louis shows the graphics window can be moved anywhere on the display to encompass the desired information.

- *Determining whether the desired information is located on the left or right of the moved pointing screen, when it is determined that the desired information is not included in the moved pointing screen; moving the pointing screen to the left so that the desired information is included in the pointing screen, when it is determined that the desired information is located on the left of the moved pointing screen, and proceeding to step (d); and moving the pointing screen to the right so that the desired information is included in the pointing screen, when it is determined that the desired information is located on the right of the moved pointing screen, and proceeding to step (d)* (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8, lines 1-12) Louis teaches the windows can be moved in a free form manner that would include left/right (See also column 8, lines 25-43). Louis shows the graphics window can be moved anywhere on the display to encompass the desired information.

With respect to **dependant claim 8,** Louis teaches *the pointing screen is moved by moving the sensor beyond at least one of a horizontal motion range and a vertical motion range, when it is determined that the desired information is not included in the pointing screen in step (c), said at least one of the horizontal motion range and the vertical motion range corresponding to at least one range in which the sensor can be moved to the left/right and upward/downward, respectively, to point at the desired information in step (d)* (Louis Figure 11 and column 9, lines 30-67 and column 10, lines 1-42). Louis teaches a vertical range and a horizontal motion range for the device correspond the range that the graphics window can be moved (See also column 5, lines 1-10).

With respect to **dependant claim 9**, Louis teaches *At least one of a horizontal size and a vertical size of the pointing screen is set* (Louis Figures 1-9 and column 5, line 1-25) Louis expressly shows the ability to adjust the graphics window size on the display.

With respect to **dependant claim 10**, Louis teaches a*n initial position which is initially pointed at within the pointing screen is set* (Louis Figure 1c and 3a-3d and column 6, lines 60-67) Louis teaches the cursor location in the graphics window is set by the user touching the sensor in a specific location.

With respect to **dependent claim 11,** Louis teaches a *speed at which the pointing screen is moved is set* (Louis column 3, lines 35-42 and column 8, lines 44-65 and column 11, lines 1-20). Louis teaches a variety of embodiments where a motion sensing logic along with a velocity zone are set that control the movement of the cursor movement across the screen. Louis teaches the device includes a rate-type pointing device, which suggests to the skilled artisan that a device is used the controls the rate at which a cursor is moved across the screen.

With respect to **dependant claim 13,** Louis t*eaches the full screen corresponds to a graphical-user interface screen* (Louis figures 1-9). Louis teaches the full screen with the graphics window

located within it and where the window can be resized to the users choice size.

With respect to **dependant claim 14**, Louis teaches *the sensor performs a unique pointing function like a mouse* (Louis Figure 9a –9b and column 9, lines 20-31). Louis teaches the sensor can be a mouse and function like a mouse.

With respect to **dependant claim 15**, Louis teaches *the desired information pointed at is executed* (Louis Figures 1c – 1d and 4a-4b). Louis teaches the user is entering in hand written information that is a process of executing a drawing command.

In regard to **Independent claim 21**, Louis teaches *the method for pointing at information in a multi-dimensional space and performing functions of a mouse, the.method comprising: an information selection step of creating a pointing screen at a portion of a full screen at a user's option such that the pointing screen includes at least one piece of information to be executed; and an information execution step of executing the information included in the pointing screen by clicking the information using a pointer, wherein said pointer comprises a sensor for sensing a users movement* (Louis Figures 1-9 and column 7, lines 19-35, 49-67 and column 8, lines 1-12 and column 9, lines 20-31). Louis teaches a cursor control in use with a graphical window in which the window is in direct control of the cursor movement on the display. The cursor can be moved and controlled using mouse movements (See figure 9a) and where a graphics window includes information (see figure 4a) and where the information is executed through a drawing command. Further, Louis teaches a pointer that contains a sensor that is moved to move a window (See Figures 9a and 9b and column 9, lines 20-31). The sensor within the mouse detects the users motion.

Claim Rejections - 35 USC § 103

5.   **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness**

rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as
set forth in section 102 of this title, if the differences between the subject matter sought to be
patented and the prior art are such that the subject matter as a whole would have been obvious
at the time the invention was made to a person having ordinary skill in the art to which said
subject matter pertains. Patentability shall not be negatived by the manner in which the invention
was made.

b.   This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to

the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor

and invention dates of each claim that was not commonly owned at the time a later invention was

made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   **Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louis et al**

(hereinafter Louis) U.S. Patent No. 6,088,023 issued July 11, 2000 and filed Dec. 10, 1996.

in view of Wambach et al (hereinafter Wambach) U.S. Patent No. 6,097,369, issued Aug. 1,

2000 and filed Feb. 2, 1995.

With respect to **dependant claims 22 and 23,** as indicated in the above discussion, Louis

teaches every limitation of claim 1.

Louis fails to expressly teach the method wherein *said sensor comprises at least a fixed member*

disposed on one segment of a finger and a moving member disposed on another segment of said

finger and wherein said fixed member and said moving member are connected via an axis,

wherein said axis, said fixed member and said moving member constitute the same device.

Wambach teaches a glove that the user wears to perform mouse functions. The glove contains switches located on each finger to perform the various functions of the mouse such as drag-n-drop and selection and with an Infrared sensor located on the wrist to control the cursor direction. Wambach also teaches an alternative arrangement (see column 5, lines 15-20) where all of the cursor buttons and the infrared sensor are located on the finger so that all motion sensing devices follow the index finger. Therefore the infrared sensor and the moving switch are located on the same finger but on different sections or segments of the finger.

Additionally, Wambach teaches operations where the system senses when a finger is moved beyond a threshold rotation value that is measured from the plane where the finger normally resides, which is an example of a switch and a sensor connected by an axis. For example, the finger is rotated from the normal plane of the users hand and lets say the sensor is on the upper portion of the finger and the switch is on the lower. In relation to the resting plane of the hand the system would need to determine the sensor location and the switch for the purposes of computing the threshold value because the center of the plane would be at the sensor and all movements would be calculated in relation to the plane of the sensor. The axis of the finger and the fixed portion of the finger and the moving member are all a part of the same device. Louis and Wambach are analogous art because they are from the same field of endeavor of manipulating a cursor on the display screen to move a graphical object.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Louis and Wambach before him at the time of the invention was made, to modify the system of Louis to incorporate a hand sensor input device and all of the movement control switches into a single finger of the glove as taught by Wambach, in order to obtain a system that is able to adjust with the movement of a single finger. One would have been motivated to make such a combination because of the need to minimize or eliminate the unnecessary hand movement off of the keyboard to operate a conventional mouse as taught by Wambach.

7.   **Claims 12, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louis et al (hereinafter Louis) U.S. Patent No. 6,088,023 issued July 11, 2000 and filed Dec. 10, 1996, in view of Mallett et al (hereinafter Mallett) U.S. Patent No. 6,292,174 issued Sept 18, 2001 and filed May 4, 2000.**

With respect to **dependant claim 19**, as indicated in the above discussion, Louis teaches every element of claim 1.

Louis expressly teaches the ability to detect and calibrate signals coming from an input device to measure the velocity of movement of the cursor in relation to the velocity of the users finger across the input touch screen or tablet (See column 3, lines 1-5 and 35-42 and figure 6a and 6b and column 8, Lines 43-65).

Louis fails to expressly teach wherein the step (a) comprises preparing a speed menu used for setting the speed at which the pointing screen is moved. However, this limitation would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Mallett, because Mallet teaches an enhanced cursor control mechanism with a menu that allows the user to set a speed setting to move the cursor across the screen (See Mallett figure 7). Mallet and Louis are analogous art because Mallett teaches a process of moving a graphical object across a screen in synch with a users movement of an object across a sensing device and Louis teaches a process of measuring users movements of an object across a device. Mallett teaches the motivation to combine in that user interaction and manipulation of the computer environment is achieved using a variety of types of human-computer interface devices that control the display such as a joystick, mouse etc in which the displacement of the mouse on a workspace directly correlates to the displacement of the cursor.

With respect to **dependant claims 12 and 20**, as indicated in the above discussion, Louis teaches every element of claim 1.

Louis fails to expressly teach a *degree of reaction to the user's motion of a pointer displayed in the pointing screen, is set and preparing a reaction menu used for setting the degree of reaction of the pointer.*

Mallett expressly teaches the ability to adjust menu settings to control ballistics and speed setting of the cursor on the display. The system settings for mouse controls, cursor movement, click speed and other settings that allow for customization of the desktop to a given user (Mallett Figure 7 and column 22, lines 24-65). Mallet and Louis are analogous art because Mallett teaches a process of moving a graphical object across a screen in synch with a users movement of an object across a sensing device and Louis teaches a process of measuring users movements of an object across a device.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Louis and Mallett before him at the time of the invention was made, to modify the system of Louis to incorporate a menu for setting the degree of reaction of the cursor, in order to obtain a system that is able to allow a user to set the sensitivity to movement and how far the cursor will move with a corresponding movement of the users input on the screen or through the mouse. One would have been motivated to make such a combination because Mallett teaches that user interaction and manipulation of the computer environment is achieved using a variety of types of human-computer interface devices that control the display such as a joystick, mouse etc in which the displacement of the mouse on a workspace directly correlates to the displacement of the cursor *as taught by Mallett.*

With respect to **dependant claims 17 and 18**, as indicated in the above discussion, Louis teaches every element of claim 9.

Louis expressly discloses the ability to adjust the horizontal and vertical size of the selection area using a mouse or direct input on a touch screen (see column 5, lines 1-10 and 19-20).

Louis fails to expressly disclose the preparing a size menu used for setting said at least one of the horizontal size and the vertical size and preparing a **size menu** used for setting **the initial** position.

Mallett expressly teaches the ability to adjust menu settings to control ballistics and speed setting of the cursor on the display as well as the initial cursor position and size of the display screen. The system settings for mouse controls, cursor movement, click speed and other settings that allow for customization of the desktop to a given user (Mallett Figure 7 and column 22, lines 24-65). Mallet and Louis are analogous art because Mallett teaches a process of moving a graphical object across a screen in synch with a users movement of an object across a sensing device and Louis teaches a process of measuring users movements of an object across a device.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Louis and Mallett before him at the time of the invention was made, to modify the system of Louis to incorporate a menu for setting the degree of reaction of the cursor, in order to obtain a system that is able to allow a user to set the sensitivity to movement and how far the cursor will move with a corresponding movement of the users input on the screen or through the mouse. One would have been motivated to make such a combination because Mallett teaches that user interaction and manipulation of the computer environment is achieved using a variety of types of human-computer interface devices that control the display such as a joystick, mouse etc in which the displacement of the mouse on a workspace directly correlates to the displacement of the cursor as taught by Mallett.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

8.   Applicant's arguments filed 12/07/2006 have been fully considered but they are not persuasive.

Applicant's argument that the prior art does not anticipate the claims because the pointer does not comprise a sensor

Applicant argues that Louis does not disclose or suggest "wherein said pointer comprises a sensor which determines the users motion" because the applicant interprets the movement of the screen of Louis as requiring someone or something touching the input surface of Louis to create movement of the window (See argument page 9, Para 4, lines 1-5).

The Examiner disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the movement of the pointing screen does not require a user to touch an input surface) are/is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the pointer as amended is attached to a mouse input device that controls a pointer. As in conventional means, the mouse is linked to a pointer on the screen (See figures 9a and 9b) and when the use moves the mouse the window is moved. Louis teaches that the function as shown is for the expressed purpose of moving the graphics window. The mouse contains sensors that monitor the users movement (See also column 9, lines 20-31).

Applicant's argument that generally Louis discloses a process of cursor control

Applicant argues that Louis only generally discloses a process of cursor control and does not teach a process of setting a speed of movement of the pointing screen itself (See argument page 10).

The Examiner disagrees.

In response to applicant's argument that the cursor control of Louis does not teach a process of controlling the speed at which a pointing screen can be moved, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, Louis teaches movement of windows and controlling the speed at which windows can be moved and setting the movement of windows. The pointing screen is a window and therefore the structure of Louis teaches a process of setting all window movement speeds.

Applicant's argument that the Examiner is using Hindsight reconstruction to determine that a sensor contains a fixed member and a moving member on the same finger

Applicant argues that the Examiner is using improper hindsight reconstruction to determine that Wambach teaches that a fixed member and a moving member switch on the same finger (See argument page 11).

The Examiner disagrees.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, a general teaching or any teaching with the suggestion that a variety of switches can be placed on one finger to control the movement of the cursor as discussed in Wambach where switch 12 and 14 detect lateral wrist movement could detect lateral finger movement. Switch 16 contains two switches that detect movement upward and downward when movement extends in a direction from a plane past a certain threshold. Therefore, the skilled artisan would interpret the lateral switches 12 and 14 as a fixed member and the switch 16

as a movement member switch because Wambach discloses an embodiment where the switches

can be placed on one finger.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,075,673 to Yanker et al., and discloses an adjustable viewport that is pointed at

with a cursor that is used to move or point at desired information in the display.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant

is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the

date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The

examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

WEILUN LO
SUPERVISORY PATENT EXAMINER